

REMARKS

The Present Amendments

The foregoing amendments to the claims are of formal nature, and do not add new matter. The Examiner has stated in the office action, dated January 21, 2004, that the specification is "enabling for an isolated polypeptide having at least 80% amino acid sequence identity to the polypeptide of SEQ ID NO:140, which isolated polypeptide induces chondrocyte proliferation." (See Office Action, page 3). In response, Applicants incorrectly amended Claims 28-32 to recite polypeptides that are "capable of inducing chondrocyte redifferentiation" and not "chondrocyte proliferation." Accordingly, Claims 28-32 have been now properly amended to recite polypeptides that are "capable of inducing chondrocyte proliferation." The amendments do not add new matter.

Upon entry of the present amendment, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should the Examiner find that there are any further issues outstanding, she is respectfully invited to contact the undersigned attorney in order to arrange a personal interview.

The Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2830 P1C9). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: May 19, 2004

By: 
Anna L. Barry (Reg. No. 51,436)

HELLER EHRMAN WHITE & McAULIFFE LLP

275 Middlefield Road

Menlo Park, California 94025

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

SV 2034519 v1

5/19/04 1:45 PM (39780.2830)

REMARKS

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should the Examiner find that there are any further issues outstanding, she is respectfully invited to contact the undersigned attorney in order to arrange a personal interview.

The Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. **08-1641** (Attorney's Docket No. **39780-2830 P1C9**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: May 19, 2004

By: 
Anna L. Barry (Reg. No. 51,436)

HELLER EHRMAN WHITE & McAULIFFE LLP

275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2034448 v1
5/19/04 9:27 AM (39780.2830)

Amendments to the Claims:

1-27. (canceled)

28. (currently amended) An isolated polypeptide having at least 80% amino acid sequence identity to:

(a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;

(c) the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

~~(d) the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~

[[~~(e)~~]] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216;

wherein, the polypeptide is capable of inducing chondrocyte redifferentiation.

29. (currently amended) The isolated polypeptide of Claim 28 having at least 85% amino acid sequence identity to:

(a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;

(c) the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

~~(d) the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~

[[~~(e)~~]] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216;

wherein, the polypeptide is capable of inducing chondrocyte redifferentiation.

30. (currently amended) The isolated polypeptide of Claim 28 having at least 90% amino acid sequence identity to:

(a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;

(c) the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(d) ~~the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~

[[(e)] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216;

wherein, the polypeptide is capable of inducing chondrocyte redifferentiation.

31. (currently amended) The isolated polypeptide of Claim 28 having at least 95% amino acid sequence identity to:

(a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;

(c) the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);

(d) ~~the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~

[[(e)] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216;

wherein, the polypeptide is capable of inducing chondrocyte redifferentiation.

32. (currently amended) The isolated polypeptide of Claim 28 having at least 99% amino acid sequence identity to:

- (a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);
- (b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;
- (c) the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);
- ~~(d) — the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~
- [[(e)] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216;
wherein, the polypeptide is capable of inducing chondrocyte redifferentiation.

33. (currently amended) An isolated polypeptide comprising:

- (a) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140);
- (b) the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide;
- (c) the amino acid sequence of the extracellular domain of the polypeptide shown in ~~Figure 84~~ (SEQ ID NO:140);
- ~~(d) — the amino acid sequence of the extracellular domain of the polypeptide shown in Figure 84 (SEQ ID NO:140), lacking its associated signal peptide; or~~
- [[(e)] (d) the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216.

34. (currently amended) The isolated polypeptide of Claim 33 comprising the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140).

35. (currently amended) The isolated polypeptide of Claim 33 comprising the amino acid sequence of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140), lacking its associated signal peptide.

36. (currently amended) The isolated polypeptide of Claim 33 comprising the amino acid sequence of the extracellular domain of the polypeptide ~~shown in Figure 84~~ (SEQ ID NO:140).

37. (canceled)

38. (previously presented) The isolated polypeptide of Claim 33 comprising the amino acid sequence of the polypeptide encoded by the full-length coding sequence of the cDNA deposited under ATCC accession number 203216.

39. (previously presented) A chimeric polypeptide comprising a polypeptide according to Claim 39 fused to a heterologous polypeptide.

40. (previously presented) The chimeric polypeptide of Claim 50, wherein said heterologous polypeptide is an epitope tag or an Fc region of an immunoglobulin.